

TWO HEARTED RIVER MANAGEMENT PLAN

A. Proposed Designation

The Two Hearted River flows uninterrupted by dams for 35 miles through a “wilderness-like” watershed in northern Luce County. In addition, five major tributaries add 80 miles of streams to the system. These streams contain high quality water and an excellent trout fishery. Its shorelands contain a variety of interesting wildlife, ecological systems and scenic attractions. The mainstream and South Branch are particularly well known for their fishing quality. Roughly 44 percent of the stream system mileage is in state ownership within the boundaries of the Lake Superior State Forest. It is recommended the mainstream of the Two Hearted and its five major tributaries, North, South, East and West branches and Dawson Creek from their headwaters to the mouth of the river at Lake Superior be included in Michigan’s Natural River System as “Wilderness River”.

B. Natural River District

The Two Hearted Natural River District is a strip of land 400 feet wide on each side of and parallel to the portions of the river system recommended for inclusion in the Natural Rivers Program. Establishment of this district in no way implies a taking of private lands by the state or opening them up to public use. Private land remains private and subject to the rights of private ownership with respect to public use. Existing structures are not affected. This merely establishes a zoning district in which certain types of future development and land use will be regulated so as not to be injurious to the river resource, property values and scenic and recreation values. This in no way limits or prohibits the Luce County Zoning Board from extending their river zoning to other portions of the river system not specified in this plan. Private ownership within the Natural River District is estimated at 3,130 acres.

C. Water Quality

The existing high water quality shall be maintained. The river shall be monitored periodically by the Department of Environmental Quality staff to ensure continued maintenance of high water quality (Part 323, P.A. 451 of 1994).

D. Land Development and Land Use

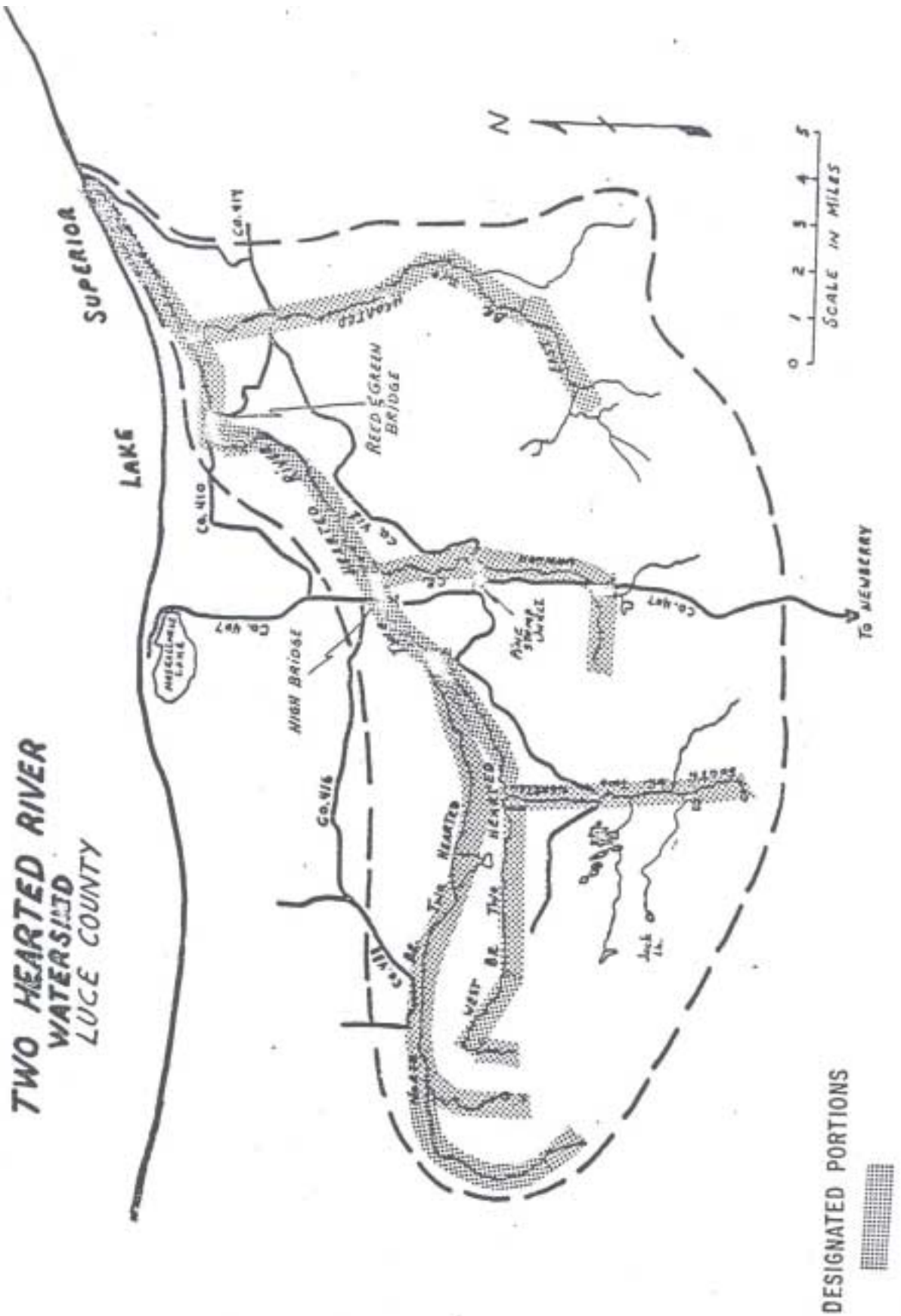
Within the natural river district the following uses will be regulated or permitted; all other uses are prohibited unless authorized by the zoning board in accordance with the provisions for special exception permits or variances.

1. Hunting, fishing and trapping are permitted in accordance with current laws and regulations.
2. A natural vegetation strip 100’ in width will be maintained on each side of the river (Section F.). Commercial timber harvest is permitted beyond one hundred (100 feet of the water’s edge.
3. Mining and extractive industries are permitted beyond three hundred (300) feet of the water’s edge.

4. Operation of licensed motor vehicles is permitted only on public roads and access roads to private dwellings.
5. Reforestation and landscaping is permitted with native species.
6. Public boat launching is permitted only at designated boat launch sites.
7. Public utility transmission and distribution lines are permitted on land or other interests in real property owned by the utility on January 1, 1971. Electrical service lines will be placed underground.*
8. Camping is permitted only at designated campsites.
9. Operation of non-motorized watercraft is permitted upstream from the weir at the mouth of the river. Operation of non-motorized and motorized watercraft is permitted downstream from the weir at the mouth of the river.
10. Seasonal cottages or cabins are permitted subject to the following requirements:
 - a. One single family seasonal cottage or cabin will be permitted on each lot.
 - b. The zoning administrator shall insure that the placement and design of structures on a building site are compatible with the wilderness characteristics of the area and shall attach conditions to the granting of a building permit as he deems necessary to further the purposes of wilderness river zoning as stated in Appendix C. Site plans will be submitted and reviewed according to the provisions of Section G and I of this plan.
 - c. In no case shall the following minimum requirements be violated:
 - 1) No building or structure shall be erected on lands which are subject to flooding or where a minimum of six feet between finished grade level and high ground water cannot be met.
 - 2) No building or structure shall be erected closer than one hundred (100) feet from the edge of an eroding river bank*.
 - 3) No building or structure shall be erected closer than seventy-five (75) feet from the break of a non-eroding riverbank exceeding twenty (20) feet in elevation above the normal river stage.
 - 4) No building or structure shall be erected closer than one hundred (100) feet from the break of a non-eroding riverbank less than twenty (20) feet in elevation above the normal river stages.
11. Drain fields, septic systems or sanitary facilities are permitted provided they are not located closer to a side or back line then that allowed for a principal building and will maintain a setback from the water's edge greater than that of the main building.
12. Detached accessory buildings are permitted located to the landward side of the main building.

*Part 305, P.A. 451 Of 1994, The Commission shall approve preliminary and final plans for site or route location, construction or enlargement of utility transmission lines...within a designated natural river area..."

*River bank – The rising ground along the river that normally contains the water during flood stages.



E. Area Regulations

No building or structure shall be erected unless the following requirements are met.

1. The minimum lot size shall be ten (10) acres.
2. The minimum riverside lot with shall be three hundred and thirty (330) feet.

F. Natural Vegetation Strip

For the purpose of stabilizing river banks to prevent erosion and subsequent siltation of the river bed; providing shade and cover for intolerant fish species; absorbing nutrients from surface water runoff; and providing screening for seasonal dwellings, a natural vegetation strip one hundred (100) feet wide bordering each side of the river shall be maintained in trees, shrubs and other vegetation indigenous to the area subject to the following provisions:

1. Dead, diseased, unsafe or fallen trees and noxious weeds and shrubs may be removed.
2. Selected removal of trees for landscaping purposes is permitted if plans for cutting are approved by the zoning administrator and reviewed by the DNR Area Forester. **CLEAR CUTTING SHALL NOT BE PERMITTED.**
3. Fallen trees shall not be removed from the river without obtaining written permission from the DNR Area Forester.

G. Other Development Regulations

Upon receiving application for a building permit in the “Wilderness River District”, the zoning administrator shall require the applicant to furnish the following information deemed necessary for determining the suitability of the particular site for the proposed building.

1. A site plan sketch (surface view) showing elevations or contours of the ground; location of any eroding bank; size and location and spatial arrangement of all proposed and existing structures on the site; location and elevation of access roads, water supply and sanitary facilities; and location and size of any cutting or filling.
2. A valley cross-section sketch showing in scale the stream channel, flood plain, elevation of adjoining land areas with indication of locations of proposed developments.
3. Photographs showing existing land uses and vegetation and upstream and downstream photographs of the stream frontage showing vegetation and bank characteristics.
4. Any other information deemed relevant by the zoning administrator.
5. The zoning administrator shall attach such conditions to the granting of a building permit as he deems necessary to further the purposes of the natural river zoning.

H. Regulations Pertaining to Publicly Owned Land

Part 305, P.A 451 of 1994, states in part “State land within the designated area shall be administrated and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife and boating shall take cognizance of the plan.

1. Structures – The Department of Natural Resources agrees that new structures on state land will adhere at least to minimum setback requirements and where possible be placed further back and out of view from the river.
2. Natural Vegetation Strip – On state land a “no-cutting” strip one hundred (100) feet wide bordering each side of the river will be maintained in trees, shrubs and other vegetation indigenous to the area. Various controlled cutting practices (see Appendix B) will be used in the area between one hundred (100) feet and one quarter mile from the water’s edge to help maintain the wilderness character of the area. Cutting plans for this area must receive approval from the Lansing office of Forest, Mineral and Fire Management Division.
3. Campgrounds – No new state campgrounds will be permitted in the Natural River District. Present campgrounds will not be enlarged or expanded.
4. Public Access and Roads – Additional vehicular access will not be provided to the river. New public roads, highways and river crossings will not be permitted in the Natural River District. Plans for relocations or improvements to public roads must be approved by the Natural Resources Commission (Part 305, P.A. 451 of 1994).
5. Signs – The Department of Natural Resources will limit the type and placement of signs in the Natural River District. Signs may be placed only at bridges or at established campgrounds. Signs shall be limited to resource information and regulation of use.
6. Camping – Camping in the Natural River District shall be limited to established campgrounds.
7. Trails – The Department of Natural Resources agrees that hiking trails or other trail systems will not be constructed on publicly-owned land in the Natural River District, except that where necessary, trails may cross the Natural River District on the shortest possible route.

I. Administration

1. Zoning by the local governmental unit shall be the chief means of protecting the Two Hearted River as a wilderness river. Site plans for proposed developments must be approved by the local zoning administrator. The setback requirements furnished in Section D., 11, are minimum requirements. The zoning administrator shall decide upon the optimum location for a structure and insure that its placement and design are compatible with the wilderness character of the area. Appendix C is the purpose statement from the Wilderness River Model Zoning Regulations which guides the zoning administrator is being furnished guidelines that will assist in site plan analysis. If these zoning regulations create unreasonable hardship for the riparian owner, appeals will be handled according to the provisions of the County Rural Zoning Enabling Act (Act 182, P.A. 1943). A copy of each site plan will be forwarded to the Department of Natural

Resources Area Forester for review and comment. The Department of Natural Resources Area Forester, District Fish Executive or other experts shall be consulted to recommend to the zoning administrator or the appropriate board a course of action which will have the least degrading impact on the character of the natural river.

2. Land Acquisition

- a. Part 305, P.A. 451 of 1994 – the Natural Rivers Act – authorizes the Commission to acquire lands or interests in lands adjacent to a designated natural river.

It is recommended the Department of Natural Resources actively pursue the opportunity to purchase or trade for lands along the Two Hearted as they become available. Large segments of publicly owned river frontage with a minimum of well-regulated development could afford protection of the wilderness environment without seriously affecting the local tax base. Recommended for first priority acquisition are the following parcels:

40 acres, Section 11 T49N, R10W
 80 acres, Section 12 T49N, R10W
 40 acres, Section 1 T49N, R10W
 40 acres, Section 6 T49N, R9W

Acquisition of these parcels would give continuous public ownership of Two Hearted River frontage from Reed and Green Bridge to within one mile of the mouth of Lake Superior. Acquisition of any other lands that become available for purchase should be pursued by the appropriate divisions of the Department of Natural Resources.

- b. Some landowners in the Natural River District may be interested in offering scenic or other easements which coincide with their property interests. The opportunity to obtain such easements by gift or purchase should be pursued.
3. Cooperative agreements shall be developed with federal and state agencies to support the Natural River Program by implementing policies which will not provide financial assistance, loan funds or ensure mortgages for any person or contractors who develop project plans which are not in harmony with the Natural Rivers concept and plan.
 4. Overall responsibility for implementing and coordinating programs for state-owned land is assigned to the Fisheries Division of the Department of Natural Resources. Enforcement of water quality standards and water use regulations will be the responsibility of the Water Resources Commission and other divisions of the Department of Natural Resources.

5. Other laws and programs reinforcing the Natural Rivers management objectives should be utilized in implementing the natural rivers plan (See Appendix A)